

REMARKS

Claims 1-22 and 33-37 were presented for consideration. The instant amendment cancels claims 1, 7, 33, and 37 without prejudice. Thus, claims 2-6, 8-22 and 34-36 upon entry of the instant amendment. Claims 3 and 34 are independent.

Independent claims 1 and 33 were rejected under 35 U.S.C. §103 over U.S. Patent No. 6,100,202 to Lin et al. (Lin) in view of U.S. Patent No. 4,492,717 to Pliskin et al. (Pliskin). Independent claims 1 and 33 have been cancelled, rendering the rejection to these claims moot. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

Independent claims 1, 3, 33, and 34, as well as dependent claims 4-6, 8-10, 12-15, 19-20, and 35-36, were rejected under 35 U.S.C. §103 over Lin in view of European Patent No. 03434052 to Batey et al. (Batey) in further view of Pliskin.

Again, independent claims 1 and 33 have been cancelled, rendering this rejection moot. In addition, independent claims 3 and 34 have been amended to include elements of claims 7 and 37, respectively, rendering this rejection moot. Accordingly, reconsideration and withdrawal of these rejections are therefore respectfully requested.

Independent claims 1, 3, 33, and 34, as well as dependent claims 4-7, 11-16, 22, and 35-37, were rejected under 35 U.S.C. §103 over U.S. Publication No. 2002/0084885 to Wienand et al. (Wienand) in view of Pliskin.

Again, independent claims 1 and 33 have been cancelled, rendering this rejection moot.

Independent claims 3 and 34 have been amended to include elements of claims 7 and 37, respectively. The Office Action acknowledges, with respect to claims 7 and

37, that the references fail to disclose the claimed relative thickness. Rather, the Office Action asserts that the determination of the thicknesses of coating layers is a result-effective variable. See page 8, lines 4-8 of the Office Action dated October 18, 2006.

Applicants respectfully traverse this assertion.

A particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977).

Applicants respectfully submit that the cited art does not recognize that the claimed relative thickness is a result-effective variable. Further, Applicants submit that the Office Action fails to assert that the cited art recognizes that the claimed relative thickness is a result-effective variable. Therefore, Applicants respectfully submitted that the outstanding Office Action has not met the burden for establishing a rejection of claims 3 or 34 under 35 U.S.C. §103. The withdrawal of the rejection to claims 3 and 34 is therefore requested.

Notwithstanding the above, and in the interest of expediting prosecution, claims 3 and 34 have each been clarified to recite that "the first coating remains accessible at side edges of structures of the negatively structured first coating after deposition of the hermetic evaporation-coating glass layer".

Applicants respectfully submit that the proposed combination of cited art fails to disclose or suggest clarified claims 3 or 34.

For example, Lin discloses layers that are deposited by CVD, e.g., using TEOS as a precursor for SiO₂. If a person skilled in the art would have deposited these layers using CVD, the edges of the mask structures would be covered with the deposited material and clearly would not result in a first coating that "remains accessible at side

edges of structures of the negatively structured first coating" as recited by claims 3 and 34.

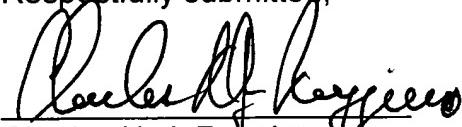
Therefore, Applicants submit that claims 3 and 34 are not disclosed or suggested by the proposed combination of cited art. Claim 3 and 34, as well as claims 4-6, 8-10, 12-15, 19-20, and 35-36 that depend therefrom, are in condition for allowance. Reconsideration and withdrawal of the rejections to claims 3-6, 8-10, 12-15, 19-20, and 34-36 are requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

March 19, 2007


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